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RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 6750
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 4812
RUEHLO/AMEMBASSY LONDON PRIORITY 3453
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0509
RUEHNY/AMEMBASSY OSLO PRIORITY 3545
RUEHKO/AMEMBASSY TOKYO PRIORITY 2623
RUEHCG/AMCONSUL CHENNAI PRIORITY 7317
RUEHBI/AMCONSUL MUMBAI PRIORITY 5054
RUEHGV/USMISSION GENEVA PRIORITY 1722
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000109

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DEPARTMENT FOR SCA/INS

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SUBJECT: SRI LANKA: DEVOLUTION PROPOSAL ON TRACK, BUT WILL
TAKE MORE TIME

REF: A) 2006 COLOMBO 2094 B) 2006 COLOMBO 2046

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1. (C) SUMMARY: Tissa Vitharana, Chair of the All-Party Representative Committee (APRC), has culled common elements from several devolution proposals and offered a compromise document for discussion within the committee. In a January 17 meeting with the Ambassador, Vitharana explained that he based his proposal on the province as the unit of devolution and vests executive powers in a prime minister. He reported that President Rajapaksa has accepted the plan as a basis for discussion - contrary to media reports. Political parties have until January 19 to offer comments, after which the APRC will begin deliberations on Vitharana's proposal. He hopes to draw in the Marxist, Sinhalese nationalist JVP, which has boycotted the last two APRC meetings. Vitharana expects the consultation process to last another two months, much longer than the timetable President Rajapaksa has called for. While the measured and thoughtful Vitharana has made every effort to accommodate a range of views, Sinhalese chauvinists will likely attempt to scuttle the process. The outcome of the current partisan bickering between the SLFP and UNP over possible UNP crossovers to the Government will have a major impact on how serious a devolution proposal emerges. End summary.

DEALING WITH THE JVP SPOILERS

¶2. (C) All-Party Representative Committee Chair Tissa Vitharana told Ambassador on January 17 that he thought the Sinhalese nationalist JVP and similar parties had "unreasonably" rejected the majority view on a devolution proposal signed by eleven of an expert panel's seventeen members. Vitharana noted that while the experts had considered a range of options, the JVP had focused solely on a proposal to reinstitute the merger of the Northern and Eastern provinces that the Supreme Court had ruled invalid.

¶3. (C) Segments of the media sympathetic to the JVP's extreme positions had then unleashed a propaganda campaign

against the authors of the majority report, alleging incorrectly a conspiracy steered by foreign NGOs against Sri Lanka's national interests. The lack of public and government support for the expert panel majority ("caving into JVP pressure") had led him to reconsider the wisdom of simply endorsing the majority report, Vitharana said. He discussed the way forward with President Rajapaksa, who agreed that he should synthesize the various views and submit his own proposal for constitutional reform and devolution.

CAREFUL SYNTHESIS OF A RANGE OF PROPOSALS

¶4. (C) Vitharana said he had taken into account five months of work by the All-Party representative Committee (APRC), including the outputs of twenty-three meetings of the group, and also asked the members for written feedback. He had obtained a consensus of the entire group for his draft. However, when he announced the result the following day, several members, for their own political reasons, disavowed it. Among the greatest critics of the draft, he added, were members of his own party, the LSSP (note: a tiny left-wing group associated with the government, but without much clout.)

¶5. (C) Vitharana explained that his proposed reform would restore the supremacy of Parliament, vest real executive power in a directly elected Prime Minister, and cast the President in an above-the-fray "head of state" role. However, none of this would take effect until the current President's term expired. He noted that Rajapaksa would be free to run for Prime Minister if he so chose. Further, he said he had discussed the plan with Rajapaksa who concurred

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with it) reports in the media to the contrary.

NORTHEAST THE MOST CONTENTIOUS ISSUE

¶6. (C) Vitharana said he had given the political parties until about January 19 to make comments, then would discuss the constitutional proposals with them article by article. In the end, he wanted to avoid votes by achieving the broadest possible consensus. However, he noted this would probably not be possible on the most contentious issues, such as the question of the merger or non-merger of the northeast. He thought it best to leave this unresolved, since it would certainly have to be the subject of any settlement negotiations with the LTTE. In any case, differences within the APRC on this were "frankly irreconcilable."

¶7. (C) Vitharana said he hoped to get the JVP and its allies to return to the APRC, although they had boycotted the last two meetings. Ambassador observed that while it was important for the JVP to feel that its views had a voice, its absence from the proceedings would also make Vitharana's task of achieving consensus easier. Vitharana chuckled.

PROVINCES AS THE UNIT OF DEVOLUTION

¶8. (C) Vitharana explained that while some parties had come to the discussions with the view that the "unit of devolution" should be the district or even the local level, after further analysis all had agreed this was not workable, and that the focus of devolution would have to be the province. However, there should be some power reserved for the local level as well. Vitharana said he and his colleagues had been favorably impressed by what they had learned about India's panchayat system, but wanted to adapt it to the Sri Lankan context. The Jana Sabha (a kind of New England-style town meeting) was also important to make decisions about which local projects to fund, and to monitor and audit expenditures.

ANOTHER TWO MONTHS UNTIL PROPOSAL READY

¶9. (C) The process of consultation with the parties was too important to short-circuit it, Vitharana said. He thought it would take roughly another two months to finalize a devolution proposal. Ambassador noted that this would be several weeks later than the government's optimistic scenario that a proposal could be ready by the end of January. However, a broadly based consensus was essential so that the next government negotiating team could go into talks with the LTTE with solid guidance and a proper mandate.

¶10. (C) COMMENT: Vitharana is a thoughtful, careful moderator of the national discussion about constitutional reform and devolution. Still, elements of the government continue to play to the Sinhalese nationalist bleachers by trashing any efforts by the majority to reach out to the disaffected Tamils and other minorities. The government will have to make a strategic decision soon about whether to pander to these tendencies, or to recommit itself to a peace strategy. The ongoing muddle (septel) over whether to accept UNP crossovers into the government introduces a further element of instability. Still, the UNP dissidents, if they enter the government, will not sign on to an agenda of seeking to defeat the LTTE militarily.
BLAKE